

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

T. PATRICK DAVIS

Plaintiff,

v.

**NATIONWIDE MUTUAL
INSURANCE CO.**

Defendant.

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:
:
: **CIVIL ACTION**
:
:
:
: **NO. 16-3878**
:

ORDER

AND NOW, this 9th day of January, 2017, upon consideration of the defendant's motion to dismiss (Doc. No. 9), plaintiff's response in opposition to defendant's motion to dismiss (Doc. Nos. 14, 15), and defendant's reply brief in support of its motion to dismiss, or, in the alternative motion to strike (Doc. No. 18), **IT IS HEREBY ORDERED** that defendant's motion to dismiss (Doc. No. 9) is **DENIED**.

BY THE COURT

/s/ *Lawrence F. Stengel*
LAWRENCE F. STENGEL, J.